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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

NANCY DARDARIAN, individually and on  
 behalf of all others similarly situated,

Plaintiffs,

v.

OFFICEMAX NORTH AMERICA, INC., an  
 Ohio corporation,

Defendant.

Case No. 4:11-cv-00947 YGR

**CLASS ACTION**

**NOTICE OF MOTION AND  
 UNOPPOSED MOTION FOR  
 PRELIMINARY APPROVAL OF  
 CLASS ACTION SETTLEMENT**

Date: June 18, 2013

Time: 2:00 p.m.

Courtroom: 5 – 2<sup>nd</sup> Floor

Judge: Hon. Yvonne Gonzalez Rogers

NATHAN THOMS, individually and on  
 behalf of himself and others similarly situated,

Plaintiffs,

v.

OFFICEMAX NORTH AMERICA, INC., an  
 Ohio corporation; and DOES 2 through 50,  
 inclusive,

Defendants.

Case No. 4:11-cv-02233 YGR

**TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS:**

**PLEASE TAKE NOTICE** that on June 18, 2013, at 2:00 p.m., or as soon thereafter as counsel can be heard in Courtroom 5 of the above-entitled Court located at 1301 Clay Street, Oakland, CA 94612, Plaintiffs will and hereby do move for an Order Preliminarily Approving the Class Action Settlement in this matter pursuant to Federal Rule of Civil Procedure 23, including each of the following:

- (1) preliminarily approving the Settlement Agreement as being fair, reasonable, and adequate;
- (2) provisionally certifying the Class under Fed. R. Civ. P. 23 for settlement purposes only;
- (3) preliminarily approving the form, manner, and content of the Class Notices and Claim Form;
- (4) appointing Plaintiff Nancy Dardarian as the Class representative;
- (5) appointing the law firms of Stonebarger Law, APC and Hoffman Libenson Saunders & Barba as counsel for the Class; and
- (6) setting the date and time of the Fairness Hearing.

This motion for preliminary approval of a class action settlement is based upon this notice of motion and motion, the accompanying memorandum of points and authorities, the supporting Declaration of Gene J. Stonebarger, the records and files in this action, and upon such further and additional papers and argument as may be presented herein.

Dated: May 10, 2013

STONEBARGER LAW, APC

HOFFMAN LIBENSON SAUNDERS & BARBA

By: /s/ Gene J. Stonebarger

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